



AF/3736

Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 3700

PATENT  
ATTORNEY DOCKET NO.: 049400-5021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Taiichiroh MEGURO, *et al.*

Application No.: 09/995,789

Filed: November 29, 2001

For: MEDICAL GUIDE WIRE AND BALLOON  
CATHETER

Confirmation No.: 9139

Group Art Unit: 3736

Examiner: J. Foreman

Mail Stop AF

Mail Stop AF  
Commissioner for Patents  
Arlington, VA 22202

Sir:

PLEASE Do NOT ENTER: THAWISS  
4/7/04 J.F.

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Request for Reconsideration responding to the Office Action dated October 22, 2003.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)  
☐ Information Disclosure Statement  
☐ Form PTO-1449, \_\_\_\_\_ references included  
☐ Citations  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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Revised: 01/01/03

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$ 420.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

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5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	3	minus	201	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$86 each=	+ \$ 0.00
[ ] First presentation of Multiple dependent claim(s)					\$290.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$420.00** for the two-month extension of time fee due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: March 22, 2004

By: Mary Jane Boswell  
Mary Jane Boswell  
Reg. No. 33,652

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Revised: 01/01/03



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Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop AF**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT AND REQUEST FOR RECONSIDERATION**  
**UNDER 37 C.F.R. § 1.116**

In response to the Final Office Action dated October 22, 2003, (Paper No. 8), and pursuant to 37 C.F.R. § 1.116, the period for reply to which has been extended to March 22, 2004, by a petition for a two-month extension of time filed concurrently herewith, entry of the following Amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.

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